

67



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,069	09/27/2001	Mauro Dresti	81230.66US1	4927
34018	7590	09/21/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			TRAN, TRANG U	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,069

Applicant(s)

DRESTI ET AL.

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 5-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/15/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 06, 2005 have been fully considered but they are not persuasive.

In re pages 2-4, applicants argue, that Tessier fails to disclose, teach, or suggest the desirability of transmitting from a display screen to a remote control, via screen flashes, channel identification information, e.g., information that identifies a currently tuned to channel, as has been espoused in the Office Action but, rather, Tessier discloses the desirability of transmitting from a display screen to a remote control, via screen flashes, control codes for use in controlling a controllable appliance, that Beery, like Tessier, fails to disclose, teach, or suggest the desirability of using screen flashes to convey channel identification information to a remote control, that Beery also fails to disclose, teach, or suggest the desirability of using channel identification information conveyed using screen flashes to modify, update, or store channel identification information in a favorite channel table of the remote control, and that, if one were to modify Tessier according to these teachings from Beery, it will be appreciated that one would arrive at nothing more than a system in which the Tessier remote control has a favorite channels list that is populated via a user manually designating channels of interest via actuations of keys of the remote control.

In response, the examiner respectfully disagrees. Applicants cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 208 USPQ 871

Art Unit: 2614

(CCPA 1981). As recognized by applicants. Tessier discloses the desirability of transmitting from a display screen to a remote control, via screen flashes, control codes for use in controlling a controllable appliance and additionally, Tessier discloses in col. 7, lines 44-56 that the control sequences stored in the user terminal 18 related to a selected program or programs (channel identification information) can be transmitted from the terminal 18 to the remote control 39 to be recorded, as described above, for storage in the remote control. Thus, Tessier does indeed disclose the claimed using screen flashes to convey channel identification information to a remote control and Tessier also discloses in the same col. 7, lines 44-56 the claimed desirability of using channel identification information conveyed using screen flashes to modify, update, or store channel identification information and Beery teaches the claimed favorite channel table. When Tessier and Beery are combined as proposed by the examiner, the claimed desirability of using channel identification information conveyed using screen flashes to modify, update, or store channel identification information in a favorite channel table of the remote control would be taught.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 5-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tessier et al. (US Patent No. 5,629,868) in view of Beery (US Patent No. 5,963,269).

In considering claim 1, Tessier et al discloses all the claimed subject matter, note 1) the claimed a video system comprising: a video screen is met by the TV screen 27 (Fig. 1), 2) the claimed a screen generator connected to the video screen and comprising programming to flash the video screen to convey channel identification information via a predetermined serial protocol is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50), 3) the claimed a remote control comprising: an optical receiver connected to receive the video screen flashes and convert them to an electrical signal is met by the light detector diode 47 (Fig. 1, col. 5, line 58 to col. 6, line 45), and 4) the claimed a controller connected to the optical receiver for decoding the electrical signal, to thereby store of the memory the channel identification information is met by the microcontroller 43 (Fig. 1, col. 5, line 58 to col. 6, line 45).

However, Tessier et al explicitly do not disclose the newly added limitations: a memory having a favorite channel table; and programming response to actuation of a favorite channel key which retrieves from the favorite channel table of the memory the channel identification information and which uses the channel identification information

Art Unit: 2614

to cause a transmission of a command adapted to tune an appliance to a channel corresponding to the channel identification information.

Beery teaches that the remote control unit operates under control of its own processing unit 34, ROM 40 which includes the operating program used by the remote control in controlling the television receiver, as well as the stored, preset labels, and RAM 42 which serves to store the channels to be assigned to stored labels, as well as user labels programmed into the system (Fig. 2, col. 4, line 27 to col. 5, line 26), and another feature of the television controller of the present invention is the provision of "Favorite Channels", this feature comprises a shortened scanning list of the ten (or fewer) favorite or most watched channels of the television operator (Fig. 7, col. 15, line 25 to col. 17, line 62).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the remote controller with programmable label favorite keys as taught by Beery into Tessier et al's system in order to allow quick access to preselected favorite channels or programs.

In considering claim 2, the claimed wherein the video screen is operably connected to flash light and dark screens is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50 of Tessier et al).

In considering claim 5, Tessier et al discloses all the claimed subject matter, note 1) the claimed transmitting from the remote control to a video system a channel

Art Unit: 2614

identification request is met by the switch of switch array 41 is depressed, which causes the microcontroller 43 to cause LED 45 to flash a command sequence to infrared interface 35 (Fig. 1, col. 5, line 27 to col. 6, line 45), 2) the claimed receiving through an optical receiver in the remote control a series of video screen flashes is met by the light detector diode 47 which receives the flashing of the rectangle 49 (Fig. 1, col. 5, line 58 to col. 6, line 45), and 3) the claimed decoding the series of video screen flashes to determine the channel identification is met by the microcontroller 43 (Fig. 1, col. 5, line 58 to col. 6, line 45).

However, Tessier et al explicitly do not disclose the claim modifying the favorite channel table in the remote control with the channel identification.

Beery teaches that the remote control unit operates under control of its own processing unit 34, ROM 40 which includes the operating program used by the remote control in controlling the television receiver, as well as the stored, preset labels, and RAM 42 which serves to store the channels to be assigned to stored labels, as well as user labels programmed into the system (Fig. 2, col. 4, line 27 to col. 5, line 26), and another feature of the television controller of the present invention is the provision of "Favorite Channels", this feature comprises a shortened scanning list of the ten (or fewer) favorite or most watched channels of the television operator (Fig. 7, col. 15, line 25 to col. 17, line 62).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the remote controller with the favorite channel table as

taught by Beery into Tessier et al's system in order to allow quick access to preselected favorite channels or programs.

In considering claim 6, the claimed wherein modifying the favorite channel table comprises deleting from the favorite channel table a channel corresponding to the channel identification is met by the step 400 of delete channel from memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

In considering claim 7, the claimed wherein modifying the favorite channel table comprises adding to the favorite channel table a channel corresponding to the channel identification is met by the step 396 of enter channel to the memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

Claim 8 is rejected for the same reason as discussed in claim 5.

In considering claim 9, Berry discloses all the claimed subject matter, note 1) the claimed sensing a user activating a predetermined key input on the remote control is met by the operator presses the "PGM" key at block 370, following by a "favorite channel" function key (Fig. 7, col. 15, line 46 to col. 16, line 51), 2) the claimed initiating the transmission of the channel request in response to sensing the predetermined key input is met by the operator may enter a channel number desired for inclusion in the FC memory at block 378, followed by the enter key at block 380 (Fig. 7, col. 15, line 46 to col. 16, line 51), and 3) the claimed basing the programming for modifying the favorite channel table on the predetermined key input is met by adding or delete the favorite channel of the memory (Fig. 7, col. 15, line 46 to col. 16, line 51).

In considering claim 10, the claimed wherein the predetermined key input consists of a single key input is met by the "PGM" key (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

In considering claim 11, the claimed wherein the programming for modifying the favorite channel table comprises programming for adding to the table a channel corresponding to the determined channel is met by the step 396 of enter channel to the memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

Claim 12 is rejected for the same reason as discussed in claim 1.

In considering claim 13, the claimed comprising transmitting a request to receive the signal is met by the switch of switch array 41 is depressed, which causes the microcontroller 43 to cause LED 45 to flash a command sequence to infrared interface 35 (Fig. 1, col. 5, line 27 to col. 6, line 45 of Tessier et al).

In considering claim 14, the claimed wherein the signal comprises a visible light pattern flashed on a video display is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50 of Tessier et al).

In considering claim 15, the claimed wherein the signal comprises a serial transmission of data is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50 of Tessier et al).

Claim 16 is rejected for the same reason as discussed in claim 1.

Claim 17 is rejected for the same reason as discussed in claim 13.

Claim 18 is rejected for the same reason as discussed in claim 14.

Claim 19 is rejected for the same reason as discussed in claim 15.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT

September 17, 2005


BRIAN YENKE
PRIMARY EXAMINER